

IV.—RULES APPLICABLE TO THE PROVINCE OF SIND UNDER THE INDIAN SALT ACT XII OF 1882.*

The following rules made by the Governor General in Council in exercise of the power conferred by the 'Inland Customs Act, 1875,' extended to the province of Sind by Notification No. 262, dated the 28th December 1887, are published under section 30 of the said Act:—

(Notn. 4112, B. G. G., 1878, pp. 498 to 501, re-publishing G. of I. Notn. 244 of 7th August 1878.)

1. In the following Rules the word 'Commissioner' means the Commissioner in Sind, and the word 'Collector' in any provision of these rules, includes (a), any revenue officer in independent charge of a district; and (b), any officer not lower in rank than a Mukhtyárkar duly authorized by the Governor of Bombay in Council to discharge the functions of a Collector under such provision.

2. 'Manufacture of salt' in these rules does not include the excavation or removal of natural saline deposits or efflorescence.†

CHAPTER I.

Of the manufacture of salt.

3. No salt shall be manufactured in any part of Sind except in the Karáchi, Hyderabad, Shikárpur, and Upper Sind Frontier districts.

4. The manufacture of salt is authorized, subject to the conditions next hereinafter prescribed, in the Karáchi, Hyderabad, Shikárpur, and Upper Frontier districts.

5. On all salt manufactured in any of the said districts, there shall be levied a duty at the rate of Rs. 2-8-0 per Indian maund.

6. Any person wishing to manufacture salt in the said districts may apply to the Collector for a license.

In case of refusal, an appeal shall lie to the Commissioner, whose orders shall be final.

The license shall be in the form given in the schedule hereto annexed, and shall be signed and issued by the Collector.

* These rules were made under VIII of 1875. That Act is repealed but section 2 of XII of 1882 keeps the rules alive. Act XX of 1884 gives the Governor of Bombay in Council power by notification to fix the date for the repeal of the words in section 1 of XII of 1882 making the last mentioned Act applicable to Sind.

By Notifications 6673, B. G. G., 1890, Pt. I., p. 954, the Governor of Bombay in Council has exercised the power conferred by Act XX of 1884, and directed that the words "to the Province of Sind" and the word "Province" in paragraphs 3 and 4, respectively of section 1 of the Indian Salt Act, 1882, shall be repealed from the 1st day of October 1890.

By Notifications 6673A *ibid* the Governor in Council has under section 1, sub-section (2), of the Bombay Salt Act, 1890, directed that that Act shall come into force on the 2nd day of October 1890.

By Notification 6673B *ibid* the Governor in Council has, under section 1 of Act V of 1868, delegated the powers conferred upon him as the Local Government of the Province of Sind by sections 6; 10, clause 1; 17, clause 2; 24, clauses 1 and 2 (except the power to suppress a salt-work), and 25 of the Bombay Salt Act to the Commissioner in Sind.

† Salt earth is not a "saline deposit or efflorescence." (G. R. 3674 of 6th June 1882).

‡ The Sudder Court in Sind has ruled (1) that the mere dissolving of salt earth in water is not a manufacture of salt, for it is not a separation of salt from earth or other substance so as to procure alimentary salt—S. S. C. G. Rg. 30th September 1881; (2) that the removal of Kalar or salt earth is not a manufacture of salt—S. S. C. G. Rg. 25th Nov. 1881.

7. The manufacture of salt, and the storage and sale of the salt manufactured shall be carried on in conformity with the conditions of the license, and under the supervision of the Revenue and Salt Establishment.

8. No salt shall be removed from the place of manufacture for the purpose of storage, or after storage from the place of storage for the purpose of re-storage, to any other place, except under the written authority of the officer in charge of the works; and all salt removed under such authority shall be weighed previous to removal in the presence of such officer, or other officer whom he may depute.

9. No salt shall be removed for consumption from the place of manufacture or of storage unless covered by a permit certifying that duty at the prescribed rate has been paid on it.

10. Previous to removal under Rule 9, the salt shall be weighed in the presence of the officer in charge of the works, who shall enter on the permit the weight of the salt removed and the date of removal, and shall certify that he has personally weighed the salt, and that no greater quantity has been removed than that mentioned in the permit.

11. Licenses may be cancelled by the Collector giving one month's notice, or no notice, at the application of the licensee.

In the case of cancelment of license for infringement of its conditions, no notice shall be necessary.

12. Within the limits of the districts mentioned in Rule 4, no person shall have salt exceeding twenty sers in weight in his possession, or shall sell any salt without a license from the Collector.

13. Nothing contained in this Chapter shall apply to the manufacture of salt by or on behalf of the Government.

CHAPTER II.

Of the possession and sale of salt in the vicinity of natural salt deposits in Sind.

14. The area defined for the purposes of section 10, clause (f) of the Inland Customs Act, 1875, round such natural salt deposit in Sind, shall extend to a distance of ten miles from the boundary of such deposit on all sides. Such an area is hereinafter termed a "protected area."

15. No person shall possess any salt within a protected area unless accompanied by *rawánna* or certificate covering the same, as hereinafter provided.

*Section 6, clause (e) of XII of 1882.

16. Any person wishing to remove salt from the deposits shall first pay the price into such Government treasury as the Commissioner may from time to time appoint, and shall receive in return a *dákhila* or receipt.

17. He shall present the *dákhila* with a written requisition or *darkhást* to the Collector, and the Collector shall thereupon grant a permit or *rawánna* signed by himself and sealed in his presence.

18. The *rawánna* shall be current and valid for such period, not being less than five days or more than six weeks, as the Commissioner may from time to time prescribe.

But when a *rawánna* is presented at the deposit and the salt is ready for delivery and is tendered to the holder more than seven days previous to the expiry of such period, such *rawánna* shall cease to be valid on the expiry of seven days from the date on which the salt has been tendered, unless the officer in charge of the deposit by an order endorsed upon the *rawánna* allows it to run on for its full period or any portion thereof.

The period of currency shall count from the day on which the *rawánna* is delivered to the applicant, that day being included and being noted on the face of the *rawánna*.

19. The Commissioner may from time to time make rules to limit the number of *rawánnas* with reference to the quantity of salt to be delivered to any person at one time, and may fix the minimum quantity of salt to be covered by a single *rawánna*.

20. On a *rawánna* being presented at the deposit and salt being issued thereunder, the officer in charge before allowing such salt to be removed shall ascertain that such *rawánna* is still in force and covers the amount of salt being issued; and shall then endorse such *rawánna* and return it to the purchaser.

21. When on the application of a purchaser salt is got ready for delivery and is tendered to him, he shall remove it that same day to a distance of at least one mile from the deposit, unless the officer in charge of the deposit, by an order endorsed on the *rawánna*, permits him to keep it within a shorter distance.

22. If a purchaser desires to divide the despatch of salt covered by the *rawánna*, he shall apply to the Collector who issued the *rawánna* and the Collector shall issue as many partition or *atráfi rawánnas* as may be required, and cancel and resume the original *rawánna*.

23. If anything occurs to prevent the purchaser taking delivery of the salt in time to remove it from the protected area before the expiry of his *rawánna*, the Collector may in his discretion, but subject to such restrictions as the Commissioner may from time to time impose, renew such *rawánna* at any time not more than six months from the date of original issue. If application for renewal is made later than one week before the expiration of the original *rawánna*, it shall be complied with only on the applicant paying a fee of one-twentieth of the price originally paid.

The currency of the fresh *rawánna* shall not exceed the limits prescribed under Rule 18.

24. If renewal be required in respect of a portion only of the salt, partition *rawánna* must be issued as provided for in Rule 22.

25. Applications for renewal, except as provided in Rules 23 and 24, shall be forwarded for the orders of the Commissioner, who may, to protect traders from unmerited loss, authorise such further renewals as he may deem fit.

26. The deposit of salt for retail sale to the people inhabiting a protected area may, subject to any conditions prescribed by the Commissioner, be permitted at any place within the limits of such area approved of by the Collector. The *rawánna* designed to cover such deposit shall be endorsed by the Collector for that purpose, and shall remain in force for a period not exceeding four months.

27. Every person retailing salt under such a *rawánna* shall keep a register of sales daily written up, and shall give to each purchaser a certificate stating the date of sale, the name of such purchaser, and the quantity purchased.

28. A certificate given under Rule 27 shall cover the salt sold under it while in the possession of the purchaser as if it were a *rawánna*.

29. When a *rawánna* is lost or destroyed, the person to whom it was granted may make application to the Collector for a duplicate, and with his application shall deposit with the Collector an amount equivalent to that paid for the original *rawánna*, plus five per cent. on the same as a fee. The Collector may thereupon grant a duplicate *rawánna*.

On the expiry of the currency of the original *rawánna*, if it has not been utilised, the amount paid for such *rawánna* shall be refunded. The extra five per cent. shall be retained and credited to Government, unless the Collector thinks fit to refund the whole or any portion of it.

30. When any salt is stopped for examination within the protected area by a Salt Officer, the *rawánna* covering the despatch shall be presented by the trader or his agent to such officer, who will satisfy himself that it is a genuine document, and that its currency has not expired, and may then proceed to examine and superintend the weighment of the despatch.

He may weigh at the Government scales either the entire despatch or such proportion of it as may be prescribed from time to time by rules to be issued by the Commissioner.

31. If only a portion of the despatch is weighed and any excess is found over the quantities specified in the *rawánna*, the weight of the whole despatch may, unless the trader objects, be calculated proportionately.

32. If on weighment of the salt it is found to exceed the quantity entered in the *rawánna*, the following practice shall, as a general rule, be observed by the officer in charge of the post :—

- (a) If the excess is not more than one per cent., he shall allow the despatch to pass.
- (b) If the excess is more than one and not more than five per cent., he shall, on submitting his report under section 21 of the Act, recommend that the despatch be released on the trader paying a sum equal to double the Government price of the excess.
- (c) If the excess is more than five per cent., or in any case if there be reason to suspect fraud, he shall recommend confiscation.

CHAPTER III.

Of the seizure, disposal or destruction of things liable to be seized or destroyed under the Act.

33. When anything is seized and detained under the Act or the rules made under the Act, it shall not be released until all duty, penalties and charges due on account thereof have been paid by the owner to the officer who is in possession of such thing.

If the thing is reported for confiscation, it shall not be released unless orders for the release are received from competent authority.

34. If an animal is so seized and detained, the owner shall provide for its due care and keep, in default of which the animal may be sold to defray charges.

35. If orders are received from competent authority for the release of any thing seized and detained, and no duty or penalty is payable in respect of such thing, it shall at once be given up to the owner or his agent, on his paying all charges incurred.

Procedure on receipt of order for release whereon duty or penalty is payable.

36. Should no one be present to receive the thing released, the officer in charge shall do his best to give notice to the owner of the order of release, and shall cause a similar notice to be affixed at the salt *chauki* and at the Collector's office.

Notice to absent owner.

If within two calendar months from the date of the notice no person entitled to receive the thing claim it, and pay all charges incurred, it shall be sold, and the proceeds placed in deposit.

Sale of things unclaimed.

After a further period of four calendar months, the proceeds shall be forfeited to Her Majesty.

Lapse of proceeds to Government.

37. If any duty is leviable, or penalty is imposed by competent authority, in respect of the thing seized, unless such duty or penalty, together with all charges incurred, be paid within three days of the receipt of the orders of competent authority for release subject to such payment, the thing shall be sold, and from the proceeds, the duty, penalty and charges shall be deducted, and the balance made over to the owner or his agent.

Procedure where any duty or penalty is payable.

Should no one be present to receive the money, notice, as under Rule 37, shall be given, the money being kept in deposit for two calendar months.

Notice to owner of surplus proceeds of sale.

If not claimed within this period, it shall be forfeited to Her Majesty.

Lapse to Government.

38. When orders are received from competent authority for the confiscation of any thing seized and detained, it shall, with all convenient despatch, be sold or destroyed as the Collector may direct.

Sale or destruction of things confiscated.

39. When a Magistrate declares the confiscation of works, materials or implements, under section 11 * of the Act, they shall be sold or destroyed by dismantling or otherwise under the orders of the Collector.

Sale or destruction of works and materials confiscated.

CHAPTER IV.

Subsidiary Rules.

40. The Commissioner may make subsidiary rules and prescribe all forms necessary for the administration of the Act and these rules.

Power to make subsidiary rules and prescribe forms.

SCHEDULE (see Rule 7.)

Form of license to manufacture salt.

License to manufacture, store and sell (*here specify the quantity of salt to which the manufacture is to be limited*) Indian maunds salt at _____ in the district of _____ is hereby granted to (*here mention names of licensees and their agents, if any,*) under the following conditions, the infraction of any of which shall involve penalties under Act VIII of 1875, and the suspension or cancelment of this license :—

1st.—That the rules prescribed by the Governor General in Council under the said Act, and any subsidiary rules which may be issued by the Commissioner, shall be strictly observed by the licensee, his agents and servants.

2nd.—That none but good salt capable, in the judgment of the officer in charge of the works, of bearing the Government duty shall be manufactured. All inferior salt shall be thrown back for re-dissolution in the salt-wells or pans in the presence of such officer.

3rd.—That the licensee shall manufacture Indian maunds salt within _____ days from the date of this license, and shall remove the whole of the said quantity of salt on payment of duty at the prescribed rate before the (*here mention date*). If the whole or any part of the said quantity of salt shall not have been removed on payment of duty at the prescribed rate before the (*here mention date*), all salt then remaining at the place of manufacture or storage shall be forfeited and sold by auction by the Collector, who, having deducted from the amount so realized the duty leviable on the quantity of salt sold and all expenses attendant on the sale, shall make over the balance, if any, to the licensee.

4th.—That a penalty of rupees six per maund shall be paid by the licensee for all salt stolen or made away with, either from the place of manufacture or storage, whether with or without his knowledge, and that, until such penalty shall have been paid, the licensee shall not sell or remove any salt from the place of manufacture or of storage.

5th.—That salt shall be manufactured and stored at no places other than those hereinafter designated without the consent in writing of the Collector (*here describe the places of manufacture and of storage*).

This license shall have effect from the date hereof until the (*here mention date*) or until cancelled.

The Collector may, at his discretion and by order given in writing, extend the period of currency of this license.

District

Dated

Collector.

CHAPTER V.

Of the manufacture of salt on behalf of Government.

41. The manufacture of salt within the limits of the Moach Salt Works, or of any other local area to which the local Government may extend these Rules, is prohibited, except under the conditions hereinafter prescribed. (Notn. No. 4426, B. G. G. 1881, p. 419 to 421, re-publishing G. of I. Notn. No. 1924 of 22nd July 1881.)

42. Any person wishing to manufacture salt within such limits may apply for a license to manufacture salt to the Collector, who may grant or refuse the application, and whose order thereon shall be final.

43. The license shall be in the form given in Schedule A hereto annexed, and shall be signed and issued by the Collector.

44. Licenses may be cancelled by the Collector giving one month's notice or on the application of the licensee: provided that no notice shall be necessary when the license is cancelled by any breach of its conditions.

45. The manufacture and storage of salt to be carried on in conformity with conditions of license. the salt manufactured shall be carried on in conformity with the conditions of the license and under the supervision of the salt establishment.

46. The area defined for the purpose of section 10, Clause (e), of the Inland Customs Act, 1875, round the place of manufacture and of storage at the Moach Salt Works shall extend to and include the wall and ditch surrounding the said works.

47. No salt shall be removed for consumption from the place of manufacture or of storage, unless covered by a permit certifying that the price fixed by the Commissioner with the sanction of the Governor of Bombay in Council, has been paid on it.

48. Any person wishing to purchase salt from the Moach Salt Works shall first pay the price into such Government Treasury as the Commissioner may from time to time appoint, and shall receive in return a *dákhila*, or receipt.

49. He shall present the *dákhila*, or receipt, with a written application, or *dark-hást*, to the officer in charge of the Moach Salt Works, who shall thereupon grant a permit signed by himself and sealed in his presence.

50. The permit shall be current and valid for such period as the Commissioner may, under Rule 40 of the Rules of the 7th August 1878, from time to time prescribe.

51. When a permit is lost or destroyed, the person to whom it was granted may make application for a duplicate to the Collector, who may grant the same on payment of a fee not exceeding the price paid for the original permit, or, if such price be less than ten rupees, then on payment of ten rupees.

An appeal from an order to pay such fee shall lie to the Commissioner, whose orders thereon shall be final. Fees levied under this Rule shall be retained and credited to Government.

52. When a purchaser clears salt from the Moach Salt Works, he shall remove it on the day on which the salt is delivered to him to a distance of at least one mile from the works, unless for sufficient reason the officer in charge of the works allows him, by order endorsed on the permit, to keep it within a shorter distance.

CHAPTER VI.

Of the possession and sale of salt in the vicinity of Moach Salt Works.

53. The area defined for the purposes of section 10, Clause (f), of the Inland Customs Act, 1875, round the Moach Salt Works shall extend to a distance of 10 miles from the boundary of the said works on all sides: provided that the Town and Cantonment of Karáchi, together with the suburbs of Keamari and Manora, shall be excluded from such area.

54. The area defined in Rule 53 shall be called a 'protected area' and the Possession and sale of salt within such area: provisions of sections 15, 26, 27, 28, 29, 30, 31, and 32, of Chapter II. of the Rules of the 7th August 1878 shall apply to the possession and sale of salt within such area.

55. With the exception of Rule 40 of the Rules of the 7th August 1878, and the Rules specified in Rule 54, the Rules of the 7th August 1878 shall not apply to the manufacture, sale, or storage of salt or to any other matter provided for by these Rules.

SCHEDULE A.—[See Rule 43.]

Form of License to manufacture Salt on behalf of Government.

License to manufacture salt at the Government Salt Works, Moach, in the district of Karáchi, is hereby granted to (*here give name*) in the holding No. under the following conditions, the infraction of any of which shall involve penalties under Act VIII. of 1875 and the cancellation of this license:—

1st.—That the rules prescribed by the Governor General in Council under the said Act, and any subsidiary rules or departmental orders that may be issued by the Commissioner, shall be strictly observed by the licensee and his servants.

2nd.—That none but good salt, according to the judgment of the officer in charge of the works, shall be manufactured. All inferior salt shall be thrown back into the brine pits for redissolution, or be otherwise destroyed in the presence of the officer in charge of the works.

3rd.—That the licensee shall deliver all such salt as he shall make, and as shall be passed by the officer in charge of the works, to Government, receiving the value thereof, less a deduction for wastage according to a fixed scale at such fixed rate per maund as may be determined from time to time by the Commissioner.

4th.—That a penalty of Rs. 6 per maund shall be paid by the licensee for all salt stolen or made away with either from the place of manufacture or storage, whether with or without his knowledge, and that until such penalty shall have been paid, the licensee shall not be allowed to manufacture any salt.

5th.—That salt shall be manufactured and stored at no places other than those hereinafter designated without the consent in writing

of the Collector (*here describe the places of manufacture and storage*).

6th.—That the licensee shall keep his pan or holding fully worked at all times, except at such times as a penalty incurred under the fourth condition of this license remains unpaid; and, on his failing to do so, that the officer in charge of the works may work the same at the licensee's expense, recovering the cost thereof from any moneys belonging to the licensee which may be at the time in, or may hereafter come into, the hands of Government.

This license shall have effect from the date hereof until the (*here mention date*) or until cancelled.

District

Date

Collector.
